

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. In the claims

Claim 1 is presently amended to recite that the insert plate has an outer side that is adjacent to the first surface of the main plate in order to provide access to the insert plate for removal from the opening. Support for this amendment is found in Figs. 1 and 3 of the drawings.

Entry of the amendment to claim 1 is respectfully requested in the next Office communication.

2. In the specification

The specification is amended to reflect the subject matter added to claim 1 and originally disclosed in Figs. 1 and 3. Because support is clearly provided in the drawings, as originally filed, it is submitted that no new subject matter has been added to the specification.

Entry of the amendment to the specification is kindly asked for in the next Office communication.

3. In the drawings

Figs. 1 and 3 are amended as shown in the Replacement Sheet appended herewith. Specifically, these drawings are amended to denote the outer side 20 of the insert plate 13, and the first surface 22 of the main plate 11. Because these newly denoted features were originally disclosed in the drawings, it is asserted that no new subject matter has been added to the drawings.

Entry of the amendment of the drawings is respectfully requested in the next Office communication.

4. Rejection of claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 4,830,892 (Nussbaum) in view of U.S. patent 5,604,006 (Ponchaud) and further in view of U.S. patent 4,781,952 (Coscia)

This rejection is respectfully traversed in view of the amendment to claim 1 wherein it is specifically recited that the insert plate has an outer side adjacent the first surface of the main plate thereby providing access to the insert plate for removal from the opening. It is courteously submitted that the Nussbaum, Ponchaud and Coscia patents, whether considered collectively or individually, fail to disclose or suggest each and every feature recited in claim 1, including the newly added subject matter. As a result, the proposed combination of the Nussbaum, Ponchaud and Coscia do not establish *prima facie* obviousness of the claimed overlay trim member according to claim 1. Claim 1 is therefore patentable over the proposed combination.

Claims 2-15 are patentable based on their dependency from claim 1 and their individually recited features.

In turning to the proposed combination, it will first be pointed out that the Nussbaum patent fails to disclose or suggest the newly added subject matter to claim 1. In observing Figs. 2 and 5, Nussbaum describes a molding having an insert member 24 that is snugly placed in an aperture 26 and fully covered by a transparent plastic overlayer 22 (col. 3, lines 32-40). The overlayer also fully covers the letters 16 that are integrally formed on or secured to the insert member (col. 2, lines 57-68).

There is simply no description of the insert member in a final molding product in the Nussbaum patent as having an outer surface that enables access to the insert member for removal from the aperture. To the contrary, the Nussbaum patent specifically admits to the molding as being an improvement over known moldings because it includes the transparent overlay which seals the insert member in place and forms an exposed surface which is smooth and continuous with the exposed surface of the molding surface (col. 1, lines 40-49).

In view of this admission in the Nussbaum patent, it is readily apparent that one skilled in the art of overlay trim members would not be motivated to provide a molding with an insert member that has an outer surface adjacent the first surface of a main plate. Instead, the skilled artisan is discouraged from arranging the overlay trim

member in the manner required by pending claim 1 because the Nussbaum patent prescribes the overlayer as being one of the improvements of the invention described therein.

In contrast with the molding according to the Nussbaum patent, the overlay trim member according to the pending application is provided to be secured to the vehicle body, and not to a molding strip or main decorative body. Moreover, it is not intended that the insert plate be applied to the vehicle in a permanent manner, as required by the teachings of Nussbaum because of the overlayer. Instead, the insert plate of the pending application is not permanently secured to the vehicle, and is meant to be removed in the event the owner wants to replace it with another logo or design.

The teachings of Ponchaud and Coscia patent do not assist the proposed combination in overcoming the basic shortcomings and contrary teachings provided in the Nussbaum patent. The deficiencies in the teachings of these patents as compared to the pending application were discussed more fully in the reply filed on October 4, 2004 in response to the Office action dated June 2, 2004. In view of the fact that these patents do not disclose or suggest the newly added subject matter of claim 1, no further discussion of these patents is considered necessary.

It is kindly asserted that if a skilled artisan applied the teachings of the Nussbaum patent to make the overlay trim member, even taking into consideration the teachings of the Ponchaud and Coscia patents, the skilled artisan would not result with an overlay trim member having each and every feature according to claim 1. In particular, the skilled artisan would be discouraged from providing an insert plate that has an outer side adjacent a first side of the main plate in order to provide access to the insert plate for removal from an opening in which the insert plate is placed. Instead, the skilled artisan would be motivated by the Nussbaum patent to provide some sort of overlayer in order to seal the insert member in place.

Because the proposed combination of the Nussbaum, Ponchaud, and Coscia patents fails to disclose each and every feature of the overlay trim member according to claim 1, and a skilled artisan would not result with the overlay trim member even if the teachings of these patents were combined, it is kindly submitted that the combined

teachings of the Nussbaum, Ponchaud and Coscia patents do not render the pending claims unpatentable. Instead, the pending claims are fully patentable in view of the proposed combination.

Accordingly, withdrawal of this rejection is respectfully requested.

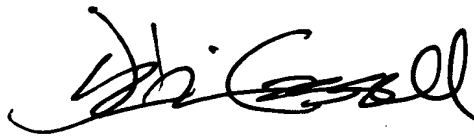
5. Conclusion

In view of the amendment to claim 1, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that each and every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written over a horizontal line.

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Date: June 28, 2005

In the Drawings

An amendment of the drawings is provided in the Replacement Sheet appended herewith.

In the Claims

The claims are amended as shown on the following pages under the heading AMENDMENT OF THE CLAIMS. The list shows the status of all claims presently in the application including any current amendments. This list of claims is intended to supersede all prior versions of the claims in the application.